

STATE OF COLORADO

Roy Romer, Governor
Patti Shwayder, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

4300 Cherry Creek Dr. S. 222 S. 6th Street, Room 232
Denver, Colorado 80222-1530 Grand Junction, Colorado 81501-2768
Phone (303) 692-3300 Phone (303) 248-7164
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Colorado Department
of Public Health
and Environment

March 28, 1997

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DMRS, LLC

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Mr. James McAnally, President
Rocky Mountain Remediation Services, L.L.C.
Rocky Flats Environmental Technology Site
P.O. Box
Golden, CO 80402

RE: Compliance Advisory for March 11-12, 1997 Inspection; EPA ID# CO7890010526

Dear Mr. McAnally:

This letter is a follow-up to the inspection conducted at the Rocky Flats Environmental Technology Site ("RFETS"), Buildings 444 and 447, on March 11-12, 1997 by inspectors from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Division"), to determine compliance with the Colorado Hazardous Waste Regulations. Attached is a Compliance Advisory which details potential deficiencies and issues identified during the inspection. Please note that the Division is requesting written responses to these issues within five (5) working days of your receipt of the Compliance Advisory. If RFETS encounters any difficulties in meeting the requirements of the Compliance Advisory, the Division should be contacted immediately. If you have any questions or comments regarding these matters, please contact James Hindman of my staff at (303) 692-3345.

Sincerely,

Joe Schieffelin, Unit Leader
Federal Facilities Permitting and Compliance

Attachment

cc: Steve Tarlton, CDPHE
Dan Miller, AGO
Tim Reyder, EPA
Bob April, DOE
Karan North, Kaiser-Hill
Jefferson County Health Department

ADMIN RECCRD

ADMIN RECCRD

IA-A-000381

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
4300 CHERRY CREEK DRIVE SOUTH, DENVER, CO 80222-1530

COMPLIANCE ADVISORY

FACILITY: Rocky Flats Environmental Tech. Site (RFETS)	EPA ID #: C078900/0526	DATE: 3/27/97
	ADDRESS: P.O. Box 928	
	Golden, CO 80402	

This Compliance Advisory provides notice related to information gained during inspection of the above named facility on the date shown. We advise you that the inspector(s) believes that the "Deficiencies" listed below are violations of Colorado's hazardous waste laws and the "Potential Deficiencies" listed below may be violations of Colorado's hazardous waste laws. Division personnel will review the facts established during this inspection and this notice may be revised to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with the State hazardous waste regulations and that there are substantial administrative and civil penalties for failing to do so. Section 25-15-309, C.R.S. provides that any person who violates Section 25-15-308, C.R.S., which includes the Colorado Hazardous Waste Act ("the Act"), Sections 25-15-101 to 316, C.R.S., and the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, may be subject to an administrative penalty of not more than \$15,000 per violation per day during which such violation occurs or to a civil penalty of not more than \$25,000 per violation per day during which such violation occurs. The issuance of this Compliance Advisory does not limit or preclude the Department from pursuing its enforcement options concerning this inspection including issuance of a Compliance Order and assessment of penalties. Also, this Compliance Advisory does not constitute a bar to enforcement action for conditions that the inspectors did not observe or evaluate, or conditions found during future inspections of your facility.

To avoid additional enforcement action or reduce the penalties described above you must either correct the "Deficiencies" and "Potential Deficiencies" within a reasonable time, or you must demonstrate to the Division that the "Deficiencies" and "Potential Deficiencies" are not violations of Colorado's hazardous waste laws.

To close out this Compliance Advisory, we encourage you to contact the Compliance Officer listed below, and where necessary, schedule a meeting:

- A) To discuss the Compliance Advisory and answer any questions you may have;
- B) To develop a schedule for correcting the "Deficiencies" and "Potential Deficiencies"; or
- C) To submit information necessary to successfully show that the "Deficiencies" and "Potential Deficiencies" (or any of them) are not violations of Colorado's hazardous waste laws.

James A. Hindman, Compliance Officer
Hazardous Materials and Waste Management Division
Colorado Department of Public Health & Environment
Mail Code: HMWMD-HWC-B2
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530
Tel: (303) 692-3300

Failure to respond in a timely fashion to this Compliance Advisory will be considered in any subsequent enforcement action and the assessment of administrative and/or civil penalties.

COMPLIANCE ADVISORY

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FACILITY: RFETS	EPA ID.#: CO7890010526	DATE: March 27, 1997
<u>DEFICIENCIES, POTENTIAL DEFICIENCIES, OR CONCERNS NOTED</u>		
<p>1. A generator must conduct adequate hazardous waste determinations per 6 CCR 1007-3, Section 262.11. One container (plastic laboratory squirt bottle; approx. 1 pint capacity) was observed in a lab. hood in building 444, room 109B. The container was marked as 50/50 nitric acid and water. No other labels/markings were observed on the container. Provide written waste determination and characterization information within five (5) working days of receipt of this compliance advisory. If the material is determined to be a hazardous waste, then provide written plans/procedures for the management of the waste within five (5) working days of receipt of this compliance advisory.</p> <p>Additionally, at the time of the inspection, waste determination and characterization information was requested for several containers of excess chemical waste observed, including container numbers 14305 (labeled "Texaco Rustproof") and 34172 (labeled "Lectroetch Electrolyte Formula"). More than one version of MSDS sheet was provided for each of these two containers. Within five (5) working days of receipt of this compliance advisory, provide written information detailing how the appropriate MSDS, waste analysis data, or process knowledge is assigned or applied to wastes including those wastes observed in room 201 of building 444/7.</p> <p>2. Several small rechargeable batteries were observed in building 445, room 700. At the time of inspection, these batteries were not being managed in a permitted or interim status unit per 6 CCR 1007-3, Part 264 or Part 265; nor were they being managed in a designated 90-day accumulation area or satellite accumulation area per 6 CCR 1007-3, Section 262.34; nor were they being managed as universal waste per 6 CCR 1007-3, Part 273. Within five (5) working days of receipt of this compliance advisory, provide written information detailing how these batteries and any batteries generated in the future will be managed in compliance with the Colorado Hazardous Waste Regulations (6 CCR 1007-3).</p> <p>3. Per 6 CCR 1007-3, Section 279.22(c), generators who store used oil in tanks or containers must label or clearly mark the storage unit with the words "Used Oil." Several containers in building 444/7 had waste travelers identifying the contained waste as used oil, including container number G04118. These containers were not clearly marked or labeled with the words "Used Oil" as required by 6 CCR 1007-3, Section 279.22(c). Label or mark all containers of used oil in accordance with 6 CCR 1007-3, 279.22(c) and submit documentation describing the actions taken to comply with this requirement within five (5) working days of receipt of this compliance advisory.</p> <p>4. During the inspection, a potential discrepancy was identified with the Building 444, Room 101 idle equipment inventory, specifically regarding the location and hazardous waste determination for the idle equipment with PMO number 004061. Provide the written location and hazardous waste determination for this piece of idle equipment and the updated idle equipment inventory within five (5) working days of receipt of this compliance advisory.</p>		